

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)) No. 3:07-CR-118
 V.)) (Phillips / Shirley)
)
 KEVIN PAUL PATTERSON,))
)
 Defendant.))

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate.

This matter came before the Court for a status conference on May 1, 2008, regarding the Court's previous Order of Commitment for Mental Examination and Evaluation [Doc.17]. It appears to the Court that this Order was entered on November 20, 2007, and defendant was committed to the Bureau of Prisons for a 45 day mental health examination pursuant to both 18 U.S.C. § 4241 and § 4242. The defendant did not actually arrive at the Federal Detention Center, Miami, Florida, until February 12, 2008. The warden, John T. Rathman, indicated in a letter to the Court on February 13, 2008, that he requested the evaluation period begin from the date of his arrival on February 12, 2008 and end on March 27, 2008. Warden Rathman also stated he expected that the Court would receive the facility's report within 15 days thereafter. As such, the report should have been received on or before April 11, 2008. However, as of the status hearing on May

1, 2008, the defendant had returned to the Eastern District of Tennessee, but the report had not been received. On May 5, 2008, the Court received a fifteen (15) page Forensic Report from Warden Rathman. Accordingly, the Court will proceed with the competency hearing on May 23, 2008 at 10:30 a.m.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge